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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/730,777 | 12/08/2003 | Takaaki Nishizawa | 10973-113001 | 4835 |
| 26211 | 7590 | 08/22/2005 | EXAMINER | |
| FISH & RICHARDSON P.C. CITIGROUP CENTER 52ND FLOOR 153 EAST 53RD STREET NEW YORK, NY 10022-4611 | | | HAN, JASON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,777

Applicant(s)

NISHIZAWA, TAKAAKI

Examiner

Jason M. Han

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 2 is objected to because of the following informalities: Applicant recites the limitation, "the leveling device is attached to an attachment portion", which renders uncertainty and indefiniteness. Applicant should elucidate whether the attachment portion referred to is the same as Claim 1 or another attachment portion. At the present, the examiner has construed the former in the rejection below. Appropriate correction is required.

The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111]. The applicant should positively and clearly define the structural limitations/functionality of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Burton (U.S. Patent 6017136).

Burton discloses a head lamp for a vehicle including:

- A lamp body opened toward a forward direction [Figure 9: (34)];
- A reflector [Figure 9: (30)] tiltably supported by the lamp body;
- A leveling device [Figure 9: (20, 24, 28)]; and
- An attachment portion [Figure 9: (25)], wherein the leveling device is supported by the lamp body through the attachment portion, and further wherein the reflector is coupled to the leveling device at a position behind the attachment portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton et al. (U.S. Patent 6017136).
5. With regards to Claim 1, Burton discloses a head lamp for a vehicle including:
- A lamp body having a portion opened toward a forward direction [Figure 9: (32, 34)];
 - A reflector [Figure 9: (30)] tiltably supported by the lamp body; and

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- A reflector tilting means [Figure 9: (20, 22, 24, 28)] for tilting the reflector being attached to an attachment portion [Figure 9: (25)] provided within the lamp body;
- Wherein the reflector tilting means is coupled to the reflector at a position behind the attachment portion.

Burton does not specifically teach the lamp body having a portion that is concave. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the lamp body with a concave portion, since it has been held to be within the general skill of a worker that mere change of form or shape of an invention involves only routine skill in the art. *Span-Deck Inc. v. Fab-Con, Inc.* (CA 8, 1982) 215USPQ 835. In this case, providing a concave shape could improve aesthetic appeal and/or require less space. Moreover, the shape of the lamp body has little effect on the main utility or patentability of the claimed device.

6. With regards to Claim 2, Burton teaches the reflector tilting means having a leveling device [Figure 9: (20, 22, 24, 28)] comprising a driving source [Figure 9: (28)] and a leveling shaft [Figure 9: (22, 24)], whereby the leveling device is attached to the attachment portion in a state where the leveling shaft is protruded backward and the leveling shaft is connected to the reflector.

7. With regards to Claim 3, Burton teaches the attachment portion [Figure 9: (25)] being formed as a member separately provided from the lamp body and fixed to the lamp body by a fixing means [Figure 9: (22, 64)].

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8. With regards to Claim 4, Burton teaches the fixing means being a screw [Figure 9: (22); Column 4, Line 57].

9. With regards to Claim 5, Burton discloses the claimed invention as cited above. In addition, Burton teaches the reflector being support by the lamp body at a point on an upper side [Figure 9], but does not specifically teach the lamp body supporting the reflector at a point on a lower side via the reflector tilting means. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a duplicate reflector tilting means at a point on a lower side, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In this case, providing multiple reflector tilting means would increase the degree of freedom through which the reflector may be adjusted, as well as provide for greater support.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference is further cited to show the state of the art pertinent to the current application, but is not considered exhaustive: Mayer (U.S. Patent 4414613).


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Husar
Primary Examiner